

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Beverly K. Johnson,)
Plaintiff,) C/A No. 6:10-0252-MBS-KFM
vs.)
Michael J. Astrue, Commissioner of)
Social Security,)
Defendant.)

)

O R D E R

Plaintiff Beverly K. Johnson, proceeding pro se, filed the within action on February 4, 2010, seeking judicial review of a final decision of Defendant Commissioner of Social Security denying Plaintiff's claims for benefits under the Social Security Act. See 42 U.S.C. § 405(g).

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Kevin F. McDonald for pretrial handling. On April 23, 2010, Plaintiff filed a motion to remand to an Administrative Law Judge on the basis of "updated documentation." Defendant filed a response in opposition to Plaintiff's motion on October 1, 2010. On October 28, 2010, the Magistrate Judge issued a Report of Magistrate Judge in which he determined that Plaintiff had failed to establish a right to remand the case on the basis of new evidence. Accordingly, the Magistrate Judge recommended that the Plaintiff's motion to remand be denied. Plaintiff filed no objections to the Report of Magistrate Judge.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report of Magistrate Judge to which a specific objection is

made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report of Magistrate Judge and incorporates it herein by reference. Plaintiff’s motion to remand (ECF No. 26) is **denied**. The case is recommitted to the Magistrate Judge for further handling.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

December 2, 2010